IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.NO.943 OF 2006

Smt.Satyabhama Dhondiram Mane
and Ors. ..Petitioners
Vs.
State of Maharashtra & Ors. ..Respondents

...
Mr.J.G.Damani Advocate for Petitioners
Mr.Milind More AGP for Respondent No.1
Ms.T.Puranik Advocate for Respondent No.4
Mr.E.K.Sasidharan Advocate for Respondent No.8
Mr.D.S.Sakhalkar Advocate for Applicants
in Chamber Summons No.129 of 2006
Mr.G.D.Utangade Advocate for Respondent Nos.2 and 3
...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JUNE 6, 2006

P.C.

1. Rule. Rule made returnable forthwith.

2. Respondent no.8 is the promoter of Neelkanth Co-Operative Housing Society (proposed), in respect of SRA Scheme. It is the case of the Respondent No.8 that they had given development rights to M/s. Chamunda Builders and Developers who have been added today as Respondents.

3. The petitioners herein claim that they have the

structures on the land where the SRA scheme is to be implemented and their entitlement is yet to be decided. The land belongs to MHADA. On May 19, 2006, the matter was moved before the learned Vacation Judge who has directed the maintenance of status-quo. The only issue, therefore, is whether the Petitioners are entitled to be given premises in the SRA scheme and pending construction, whether they are entitled to be provided with alternate transit accommodation. The case of the petitioners is that their structures have been demolished. Considering the controversy, the petition can be disposed of by issuing the following directions:-

(i) The petitioners who are entitled to make an application to Respondent No.6 supported by necessary documents within a period of one week before Respondent No.6.

(ii) The competent authority-Respondent No.6 on receiving the application, after hearing the petitioners and Respondent No.8, to pass appropriate orders according to law, within a period of eight weeks thereafter. If the Respondent No.6 comes to the conclusion that those

who have applied are eligible, then in that event Respondent No.8 and the Developer would be bound to provide accommodation to the petitioners according to law in the SRA scheme and pending the construction, the builder to provide the transit accommodation till the buildings are completed and possession is given.

(iii) Rule is made absolute accordingly. There shall be no order as to costs.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]